

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

SEP 08 2003

LORILLARD TOBACCO COMPANY,
a Delaware corporation,

Plaintiff,

v.

A & E OIL, INC., d/b/a MOBIL,

Defendant.

Civil Action No.

Judge

Magistrate Judge

03C 5833

JUDGE HART

MAGISTRATE JUDGE MASON
JURY DEMANDED
U.S. DISTRICT COURT
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[FILED UNDER SEAL]

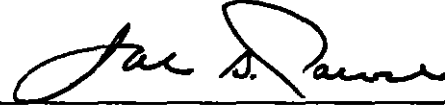
PLAINTIFF'S APPLICATION TO SEAL FILE PENDING HEARING ON *EX PARTE*
SEIZURE ORDER AND TEMPORARY RESTRAINING ORDER

Plaintiff Lorillard Tobacco Company ("Lorillard") hereby requests that this Court seal the court file in this matter until such time as this Court conducts the hearing on Plaintiff's application for an *ex parte* seizure order, a temporary restraining order, an order to show cause for preliminary injunction, and for expedited discovery. If the Court grants the requested *ex parte* relief, Lorillard requests that the court file be sealed until the service and execution of the seizure order and temporary restraining order.

In this action, Lorillard is requesting *ex parte* relief for trademark counterfeiting pursuant to the Trademark Counterfeiting Act of 1984, 15 U.S.C. § 1116(d). Sealing of the file is necessary to prevent Defendant from learning of these proceedings prior to execution of the seizure and service of the temporary restraining order. If Defendant were to learn of these proceedings prematurely, the likely result would be the removal, destruction or other disposal of products bearing the counterfeit marks and relevant

documentary evidence, which would frustrate the purpose underlying the Trademark Counterfeiting Act and would interfere with this Court's power to grant relief.

A proposed Order Sealing File is submitted herewith.



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Dated: August 15, 2003

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